

SEPA to submit a report to the Crown Office and Procurator Fiscal Service for consideration of prosecution over Mossmorran flaring

13 May 2020

The Scottish Environment Protection Agency (SEPA) today (Wednesday 13 May 2020) announced its intention to submit a report to the Crown Office and Procurator Fiscal Service for consideration of prosecution in relation to the flaring at the Mossmorran complex during April 2019.

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- Move follows 2018 'Final Warning Letter' issued to ExxonMobil Chemical Limited.
- Focus on company addressing the 'root causes of unacceptable flaring.'
- SEPA announces technical assessment of the timelines for new ground flare installations by ExxonMobil Chemical Limited including utilising independent technical advisor(s) to verify the proposed programme.
- Actions of ExxonMobil Chemical Limited continue to be under continual review during the current coronavirus pandemic with intensified compliance programme to focus on the steps the company is taking to prevent and minimise flaring.
- Monitoring reports continue to be published on a fortnightly basis on its sepa.org.uk/mossmorran hub
- SEPA announces external review by the Irish Environmental Protection Agency to share best practice and advise on further actions that may be taken to drive compliance.
- SEPA supporting Fife Council's review of formal groups for community liaison aimed at refreshing community participation and engagement around the Mossmorran complex.
- SEPA collaborating with Fife Council to review monitoring with input from local communities and other public partners as soon as is safely practical to do so
- SEPA working closely with the Health and Safety Executive which has responsibility for site safety as part of the Competent Authority under the Control of Major Accident Hazards Regulations.

The Scottish Environment Protection Agency (SEPA) today (Wednesday 13 May 2020) announced its intention to submit a report to the Crown Office and Procurator Fiscal Service for consideration of prosecution in relation to the flaring at the Mossmorran complex during April 2019. The report will be submitted shortly which follows unplanned flaring over a seven day period in April 2019 and an extensive regulatory investigation involving specialist regulatory, technical, scientific and enforcement teams from across the

agency.

Over 900 complaints were received by the agency's Pollution Hotline, the highest number the agency has received for any single environmental event. The move also follows a 2018 'Final Warning Letter' issued to ExxonMobil Chemical Limited for a 2017 'preventable and unacceptable' flaring incident.

SEPA said it was working closely with the Health and Safety Executive which has responsibility for site safety as part of the Competent Authority under the Control of Major Accident Hazards Regulations. SEPA's focus remains on ensuring the company addresses the root causes of unacceptable flaring.

Announcing a package of new measures, SEPA confirmed a detailed technical assessment of the timelines for new ground flare installations by ExxonMobil Chemical Limited including utilising independent technical advisor(s) to verify the proposed programme.

The agency confirmed the actions of ExxonMobil Chemical Limited continue to be under continual review during the current coronavirus pandemic with an intensified compliance programme to focus on the steps the company is taking to prevent and minimise flaring.

The agency confirmed that 39 scientific monitoring reports had now been published online, with these continuing to be published on a fortnightly basis on its sepa.org.uk/mossmorran hub. Published data continues to demonstrate no breach of UK air quality standards.

SEPA also announced an external review by the Irish Environmental Protection Agency of regulation to share best practice and advise on further actions that may be taken to drive compliance. The review will report by October 2020.

Recognising the requirement to strengthen arrangements for community engagement, the agency confirmed it was actively supporting Fife Council's review of the Mossmorran and Braefoot Bay Community and Safety Committee aimed at refreshing community participation and engagement around the Mossmorran complex. The agency confirmed it is collaborating with Fife Council to review monitoring with input from local communities and other public partners as soon as is safely practical to do so.

Terry A'Hearn, Chief Executive of SEPA, said:

"Compliance with Scotland's environmental laws is simply non-negotiable. Over a number of years, communities across Fife have repeatedly endured unplanned flaring. Whilst flaring is an important safety mechanism of such facilities, it must become the exception, rather than routine.

"People rightly expect that their lives won't be impacted by nearby industrial processes and yet again, over an extended period during Easter 2019, communities were impacted by unacceptable and preventable flaring. The incident resulted in over 900 complaints to our Pollution Hotline, the highest number we've received for any single environmental event.

“Consequently, following an extensive investigation into the flaring at Mossmorran during April 2019, we intend to shortly submit a report to the Crown Office and Procurator Fiscal Service for consideration of prosecution.

“It’s right that we take enforcement action for the Easter 2019 flaring event. What is just as important is that ExxonMobil Chemical Limited address the root-causes of ‘unacceptable flaring’.

“Today we’ve announced a series of important steps and a pathway to compliance at Mossmorran. We’ve been clear with both operators on what we and the community expect and have outlined the steps they need to take to make this happen. Whilst flaring will continue to be required, this must become the exception rather than routine. We’ll keep a firm focus on compliance, monitoring and the package of measures required over the period ahead and we’ll keep local communities informed at sepa.org.uk/mossmorran”

REGULATION OF MOSSMORRAN DURING COVID-19:

The agency published its [SEPA COVID-19 Philosophy](#) and [overarching guidance on regulation during COVID-19](#).

For Mossmorran we will:

- Work closely with the HSE as the Competent Authority under the Control of Major Accident Hazards Regulations to continue to assure ourselves that ExxonMobil is taking appropriate steps to manage any risks that may arise from COVID-19.
- Continue our robust regulation and assessment of the site. Whilst SEPA’s Compliance Assessment Scheme (CAS) cannot practically be applied during the 2020 calendar year, this will not limit or inhibit our compliance work or have an impact on our ability to take action should non-compliance issues arise.
- Focus our compliance work on those conditions where non-compliance may lead to a risk of impact on local communities and the environment, for example, the condition that requires that ExxonMobil must ensure that all appropriate preventative measures are taken against noise and vibration emissions through the application of BAT and ensure that no significant pollution is caused.
- Continue to monitor noise and air quality across local communities and we have upgraded our monitors so that we are able to download all data remotely. Air quality monitoring results published fortnightly at sepa.org.uk/mossmorran.
- Continue to focus on delivery of flaring improvements in the shortest possible timeframe.
- Review and follow up on complaints, but for the safety of our staff and others, we may not be able to visit or engage with members of the community in person. As our staffing levels have been impacted we encourage people to use our web reporting tool. In addition, we will be unable to provide a personal response, as we would normally have done when complainants request to speak directly to a SEPA officer.
- Continue to respond to any significant elevated flaring by deploying staff on the ground whilst maintaining physical distancing. However, as

all our staff are working from home our response may not be as rapid as it would be normally.